

10/28/99

SECTION  
#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David A. Edwards and Jeffrey S. Hrkach  
Application No.: 09/383,054 Group: 1614  
Filed: August 25, 1999 Examiner: Not Assigned  
For: Stable Spray-Dried Protein Formulations



CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on 10-28-99	<u>Jean A. White</u> Signature
Date	Jean A. White
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated September 13, 1999, the following documents and fees are being submitted for filing in the captioned application:

- [X] **EXECUTED DECLARATION/POWER OF ATTORNEY** - A copy of the Notice is attached.  
(Separate transmittal letter and postcard not required)
- [X] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.  
(Separate transmittal letter and postcard not required)
- [X] **SURCHARGE** - surcharge fee of \$ 130.00.  
(Separate transmittal letter and postcard not required)
- [ ] **SEQUENCE LISTING** - Filed concurrently and is attached.  
(Separate transmittal letter and postcard required)

☐ **PETITION FOR EXTENSION OF TIME**

- ☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated [ ] for [ ] month(s) from [ ] to [ ].  
The appropriate fee of \$[ ] is included in the enclosed check.

- ☐ A [ ] month extension of time to respond to the Notice to File Missing Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee.  
☐ Applicant hereby petitions for an additional [ ] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[ ] is included in the enclosed check.

*(Separate Petition for Extension of Time and postcard not required)*

- ☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

*(Separate transmittal letter and postcard required)*

- ☐ **VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**

- ☐ Was filed on [ ].

- ☐ Is enclosed herewith.

*(Separate transmittal letter and postcard not required)*

- ☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[ ] which were paid on [ ] to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$ 1412.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne I. Craig  
Anne I. Craig  
Registration No.: 32, 976  
Tel.: (781) 861-6240  
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Lexington, Massachusetts 02421-4799  
Date: October 28, 1999



## HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

FEE TRANSMITTAL FOR  
PATENT APPLICATIONS

Attorney Docket Number	AIR-108pA
Application Number	09/383,054
First Named Inventor	David A. Edwards

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		49 - 20* =	29	x \$ 18 =	\$ 522
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		2* - 3** =	0	x \$ 78 =	\$ 0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 260 =	\$
				BASIC FEE (37 CFR 1.16(e) or (h))	\$ 760
				Total of above Calculations =	\$ 1282
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 1282
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$
				Assignment Recordation Fee = (only when filed with application)	\$
				TOTAL =	\$ 1412

\* Reissue claims in excess of 20 and over original patent  
\*\* Reissue independent claims over original patent

## 1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.
2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
3. ☒ A check is enclosed for \$ 1412.00. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.
4. ☐ Other: \_\_\_\_\_

Signature	<i>Anne I. Craig</i>	Date	October 28, 1999
Submitted by Typed or Printed Name	Anne I. Craig	Reg. Number	32,976



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

1999 TRADEMARK OFFICE		UNITED STATES OF AMERICA		ATTORNEY DOCKET NO./TITLE	
APPLICATION NUMBER	08/25/99	FILING/RECEIPT DATE	EDWARDS	FIRST NAMED APPLICANT	D AIR-1000A

0212/0913

NOT ASSIGNED

CAROLYN S. ELMORE  
HAMILTON BROOK SMITH & REYNOLDS  
TWO MILITIA DRIVE  
LEXINGTON MA 02421-4799

1614  
DATE MAILED:

09/13/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

**NOTICE TO FILE MISSING**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of **\$65.00** for a small entity in compliance with 37 CFR 1.27, or **\$130.00** for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

This form are filed within the period set above, the total amount owed by applicant as a  
\$ 1412.00

to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a (check one)  
☒ non-small entity is \$ 7412.00  
☐ small entity is \$ \_\_\_\_\_

☐ small entity (statement filed) — basic filing fee is:

☒ 1. The statutory base is missing.  
☐ insufficient.

☐ insufficient.  
Applicant must submit \$ 70  
claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due: 51100 29 tot

he following additional claims fees are due:

\$ 522.00 for 29 total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

\_\_\_\_\_ to stage or cancel ad

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over  
\$ \_\_\_\_\_ for \_\_\_\_\_  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.  
\$ \_\_\_\_\_  
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:  
☐ is missing or unsigned.  
☐ is missing or unsigned, and the application was submitted by mail.

☐ is missing or unsigned.  
☐ does not cover the newly submitted items.  
 An oath or declaration in compliance with 37 CFR 1. 63, including residence information and identifying the above Application Number and Filing Date is required.  
 The oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, identifying the application by the above

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor of the above Application Number and Filing Date is required with 37 CFR 1.63, identifying the application by the above 1.43 or 1.47.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

[illegible]

☐ **A \$50.00 processing fee is required since your check was returned without payment.**

☐ 6. A \$50.00 processing fee was mailed in error because your check.

☐ 7. Your filing receipt was mailed in error because your check.

☐ 6. The application was filed in a language other than English.  
☐ 7. Your filing receipt was mailed in a language other than English.  
☐ 8. The application was filed in a language other than English, the \$130.00 set form in 37 CFR 1.52(d), Applicant must file a verified English translation of the application, the \$130.00 set form in 37 CFR 1.52(d), previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER: \_\_\_\_\_

☐ 9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Bob Wassing" \_\_\_\_\_

**This notice MUST be returned with the reply.**

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

FORM PTO-1533 (REV. 9/98)

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/03/1999 RAU:HTL  
\$  
FF:101